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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Neubauer, A. et al ) Art Unit: 1648  
U.S. Appln. No. : 10/624,149 ) Examiner: Ali Reza Salimi  
Confirmation No. : 5659  
U.S. Filing Date : July 21, 2003  
Title of Invention : gM-NEGATIVE EHV-MUTANTS WITHOUT  
HETEROLOGOUS ELEMENTS  
Attny. Docket No. : 1/1372

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE

Sir:

This is in response to a communication received from the Examiner in charge of the subject application, which communication was mailed on June 6, 2005.

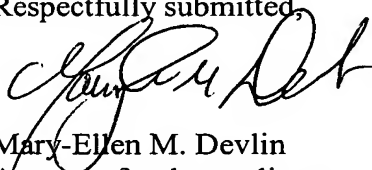
The communication mailed June 6<sup>th</sup> comprised a restriction requirement. The Examiner has divided the claims into five groups, the first group being claims 1, 2, and 4 through 21 drawn to recombinant equine herpes virus (EHV) wherein the gM is absent. The Examiner also notes that if Group I is elected, one specie must also be selected.

The Examiner also indicated that further explanation would be provided for specie selection. However, no such information was provided in the June 6<sup>th</sup> communication.

Applicants, through their attorney, hereby elect for prosecution the invention designated as Group I. However, applicants need additional guidance or explanation from the Examiner as to the selection of the specie.

The election is without traverse.

Respectfully submitted,



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July 6, 2005

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on July 6, 2005.



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